

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA .  
vs. . H-12-CR-272  
. HOUSTON, TEXAS  
. JANUARY 18, 2013  
. 1:47 P.M.

TERRY GLENN SILLERS, .  
TERRY ROSS BLAKE, LARRY MAX .  
BRYAN, JAMES LAWRENCE .  
BURNS, REBECCA JOHNSON .  
CROPP, BEN CHRISTIAN DILLON, .  
RUSTY EUGENE DUKE, KELLY RAY .  
ELLEY, DESTINY NICOLE .  
FEATHERS, CHAD RAY FOLMSBEE, .  
SAMANTHA DEANN GOLDMAN, .  
KENNETH MICHAEL HANCOCK, .  
DUSTIN LEE HARRIS, BENJAMIN .  
TROY JOHNSON, CLAY JARRAD .  
KIRKLAND, MICHAEL RICHARD .  
LAMPHERE, JAMIE GRANT .  
LOVEALL, WILLIAM DAVID .  
MAYNARD, SHANE GAIL McNIEL, .  
JAMES MARSHALL MELDRUM, GLEN .  
RAY MILLICAN, JR., .  
CHRISTOPHER JAMES MORRIS, .  
STEPHEN TOBIN MULLEN, JUSTIN .  
CHRISTOPHER NORTHRUP, RONALD .  
LEE PRINCE, CHARLES LEE .  
ROBERTS, DAVID ORLANDO .  
ROBERTS, BILLY DON SEAY, .  
JAMES ERIK SHARRON, SAMMY .  
KEITH SHIPMAN, BRIAN LEE .  
THOMAS, FREDRICK MICHAEL .  
VILLARREAL, TAMMY MELISSA .  
WALL, BILLY FRANK .  
WEATHERED, AND STEVEN .  
WORTHEY .

. . . . .

TRANSCRIPT OF SCHEDULING CONFERENCE  
BEFORE THE HONORABLE SIM LAKE  
UNITED STATES DISTRICT JUDGE

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6           General Order 94-15, United States District Court,  
7           Southern District of Texas.

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## P R O C E E D I N G S

THE COURT: First with the government. This is United States versus Terry Glenn Sillers, Criminal Action H12-272. Who is here for the United States?

MR. HILEMAN: Good afternoon, your Honor. Jay Hileman and Dave Karpel for the United States.

THE COURT: All right. As I call each defendant, please stand up and tell me that you are here and who you are.

Terry Ross Blake?

MR. SAPER: Gus Saper for Mr. Blake, your Honor.

THE COURT: Larry Max Bryan?

MR. STAFFORD: James Stafford, your Honor.

THE COURT: James Lawrence Burns?

MR. WILSON: Lee Wilson for Mr. Burns, your Honor.

THE COURT: Pardon me?

MR. WILSON: Lee Wilson for Mr. Burns.

THE COURT: Rebecca Johnson Cropp?

MR. KUNIANSKY: Richard Kuniansky on behalf of Ms. Cropp.

THE COURT: Mr. Dillon is going to plead.

Is your attorney here?

MR. GOLDSMITH: Yes, sir. Chris Goldsmith for Mr. Dillon.

THE COURT: Rusty Duke?

MR. JONES: Good afternoon, your Honor. Robert Jones

1 for Mr. Rusty Duke.

2 THE COURT: Kelly Ray -- "Elley"?

3 MR. ODOM: Wendell Odom and Neal Davis for Mr. Elley.

4 THE COURT: Thank you.

5 Destiny Nicole Feathers?

6 MR. KIATTA: (Indicating)

7 THE COURT: Okay. David Kiatta? Okay.

8 Chad Folmsbee?

9 MR. DIAZ: "Folmsbee." Mark Diaz, your Honor.

10 THE COURT: Thank you.

11 Samantha Deann Goldman?

12 MR. SANCHEZ: Andres Sanchez, your Honor.

13 THE COURT: Kenneth Michael Hancock?

14 MS. DeBORDE: Good afternoon. Nicole DeBorde.

15 THE COURT: Dustin Lee Harris?

16 MR. SCHEINER: Grant Scheiner for Mr. Harris, your  
17 Honor.

18 THE COURT: Benjamin Troy Johnson?

19 *(No response)*

20 THE COURT: Clay Jarrad Kirkland?

21 MR. PODOLSKY: Brett Podolsky for Mr. Kirkland.

22 THE COURT: Thank you.

23 Michael Richard Lamphere?

24 MR. ESSMYER: Mike Essmyer and Trent Gaither for  
25 Mr. Lamphere, your Honor.

1 THE COURT: Thank you.

2 Jamie Grant Loveall?

3 MR. WENTZ: Kurt Wentz and John Parras for

4 Mr. Loveall.

5 THE COURT: William David Maynard?

6 MR. MALLETT: Edward Mallett, your Honor.

7 THE COURT: Shane Gail McNiel?

8 MR. FRIESELL: John Friesell for Mr. McNiel.

9 THE COURT: James Marshall Meldrum?

10 He's going to plead, and Mr. Ely asked to be  
11 excused.

12 Glen Ray Millican?

13 MR. MAYR: Brent Mayr, your Honor.

14 THE COURT: Christopher James Morris?

15 MR. SALINAS: Joe Salinas for Mr. Morris, your Honor.

16 THE COURT: Stephen Tobin Mullen?

17 MR. LATIMER: Louis Latimer for Mr. Mullen.

18 THE COURT: Justin Christopher Northrup?

19 MR. MERCHANT: Feroz Merchant for Mr. Northrup.

20 THE COURT: Thank you.

21 Ronald Lee Prince?

22 MR. REED: Good afternoon, your Honor. Eric Reed for  
23 Mr. Prince.

24 THE COURT: Charles Lee Roberts?

25 MR. DUPONT: Good afternoon, your Honor. Todd Dupont

1 for Mr. Roberts.

2 THE COURT: David Orlando Roberts?

3 MR. MORAN: Tom Moran for Mr. Roberts, your Honor.

4 THE COURT: Billy Don Seay?

5 MS. JANA: Sue Jana for Mr. Seay.

6 THE COURT: James Erik Sharron?

7 MR. FAZEL: Good afternoon, your Honor. Ali Fazel and  
8 Ken McGuire.

9 THE COURT: Sammy Keith Shipman?

10 MR. LAMBRIGHT: Don Lambright and Wendy Pastorini,  
11 Judge.

12 THE COURT: Brian Lee Thomas?

13 MR. BOURQUE: Gerald Bourque and Robert Morrow.

14 THE COURT: Frederick Michal Villarreal?

15 MR. MARTIN: Tom Martin for Mr. Villarreal.

16 THE COURT: Billy Franklin Weatherred?

17 *(No response)*

18 THE CLERK OF COURT: Getting her on the phone now.

19 THE COURT: No. Turn that off.

20 Billy Franklin Weatherred?

21 *(No response)*

22 THE COURT: Tammy Melissa Wall?

23 Ms. Wall, I believe, is going to participate by  
24 telephone. We'll call her in a minute.

25 Steven Worthey?

1 MR. MOSBACKER: Mervyn Mosbacker and Lourdes Rodriguez  
2 for Mr. Worthey.

3 THE COURT: Okay. We'll get Ms. Wall on the phone  
4 now.

5 Thank you all for being here on short notice.  
6 *(Clerk of court placing call)*

7 THE COURT: Good afternoon. This is Judge Lake.  
8 Would you please identify yourself and your client for the  
9 court reporter?

10 MR. HAMM: This is Lance Hamm. I represent Tammy  
11 Wall.

12 THE COURT: Thank you.

13 Before we proceed, the government's papers say  
14 that there are 10 defendants who face capital charges. I wish  
15 the prosecutor would go down the list and identify which  
16 defendants face capital charges, because I don't have an  
17 accurate handle on that.

18 MR. KARPEL: Yes, your Honor.

19 THE COURT: Just in order.

20 MR. KARPEL: Yes, your Honor. Larry Max Bryant, Kelly  
21 Ray Elley --

22 THE COURT: What's -- Kelly Ray Elley?

23 MR. KARPEL: Yes, your Honor.

24 Michael Richard Lamphere.

25 THE COURT: What number is he?

1 Sixteen. Okay. All right.

2 MR. KARPEL: Jamie Grant Loveall, William David  
3 Maynard, Charles -- I'm sorry -- David Orlando Roberts, James  
4 Erik Sharron, Sammy Keith Shipman, Bryan Lee Thomas, Steven  
5 Worthey.

6 THE COURT: Say again.

7 MR. KARPEL: Steven Worthey.

8 THE COURT: All right. Thank you.

9 I declared this as a complex case, as you all  
10 know. There appear to be -- one motion under Docket Entry 267  
11 is a defendants' motion to amend scheduling order filed by a  
12 number of counsel. And, then, the order granting the  
13 government's request to declare this as a complex case  
14 indicated that a revised scheduling order will be entered.

15 I've read the government's proposed scheduling  
16 order; and I've read the suggested scheduling order, which  
17 appears to be agreed to by all defendants except Ms. Cropp and  
18 Billy Don Seay. But then Mr. Seay agrees with the government's  
19 scheduling order, which is more liberal to the government than  
20 the defense proposed scheduling order. So I'm not sure that  
21 anybody but Mr. Kuniansky's client opposes the defense proposed  
22 scheduling order.

23 I have not tried a capital case. I've looked at  
24 a number of scheduling orders entered by other judges in  
25 capital cases. Is the scheduling order suggested by the

1 defendant consistent with the norm in these cases?

2 MR. KARPEL: It actually is, Judge. It's not off the  
3 mark, especially given the amount of discovery that we've  
4 produced.

5 THE COURT: Okay. Other than Mr. Kuniansky, I take it  
6 that everybody is satisfied with this order? If you're not,  
7 raise your hand or speak up if you're here by telephone.

8 All right. I want -- yes?

9 MR. HAMM: Yes.

10 THE COURT: Okay. Thank you.

11 I'm going to make two minor changes. The status  
12 conference will be held on September 20th at 2:00 p.m.

13 I've got an order, Charles.

14 And the status conference will be held on  
15 November 20th at 2:00 p.m.

16 Now, do we need some interim deadlines, like we  
17 normally have in a criminal case, for filing of motions, things  
18 like that? Or should we just wait until the September status  
19 conference?

20 I would like the assistance of this wealth of  
21 talent that's before me.

22 MR. FAZEL: If it pleases the Court, Ali Fazel.

23 Your Honor, what we thought would be better is if  
24 you could wait till September, only so that we can have -- we  
25 have been delivered discovery. I think there's a second batch



1 of discovery coming to us. And there's also the budgeting  
2 process for a lot of us. Even some of those who are not death  
3 eligible might need a budget when it comes to discovery or  
4 experts.

5 And I thought maybe if we could go through the  
6 budget process first, achieve that, get it before the Court,  
7 get the Court to approve it, and get it up onto the Circuit if  
8 necessary. After that, if the Court wants to discuss motions,  
9 we probably would have a more educated better idea of when we  
10 could get those to the Court, that are not boilerplate, once  
11 we've had -- at least had a chance to look at discovery.

12 THE COURT: You mentioned the Circuit. The Circuit  
13 has been very involved as of late in budgetary issues dealing  
14 with experts and appointed counsel. Are you suggesting we  
15 should get the Circuit involved in the preliminary budget  
16 analysis?

17 MR. FAZEL: No. No. And if I said that, I retract  
18 it. Not at all. I just want to get the budget to the Court,  
19 especially the death budget.

20 The folks that -- we've e-mailed with -- we've  
21 tried to be as coordinated as possible. We e-mailed with  
22 everybody, and we suggested that everybody should put a budget  
23 together for the Court. I think life would be much simpler  
24 that way. The Court would have an idea how much money we're  
25 talking about.

1           THE COURT: It would. And that way, I could have one  
2 meeting to discuss the issues.

3           As some of you know who submitted ex parte  
4 requests, I've been skeptical about some of the information  
5 submitted. And you need to tell me why you need 400 hours for  
6 various activities, for example.

7           MR. FAZEL: Yes, sir.

8           THE COURT: Not you. "You" in general.

9           MR. FAZEL: Yes.

10          THE COURT: And why the rate that is suggested is  
11 reasonable.

12          So no later than 60 days you should submit to the  
13 Court a budget. And I would like it to be -- I don't know if  
14 it can be a joint document; but to the extent you can  
15 coordinate as much as possible, that would be very helpful.

16          MR. KARPEL: Perhaps on the discovery part, we could  
17 coordinate -- if there's any kind of copying, anything like  
18 that, that everybody needs, maybe we could have one joint  
19 discovery type budget to the Court.

20          As far as the death eligible people, obviously,  
21 their budgets have to be independent, I think, according to the  
22 statute. And then, as far as the other folks that are not  
23 death eligible, what I am concerned about is I'm afraid the  
24 Court might get a litany of motions for investigators and so  
25 forth. And I'm not sure if we can conjoin those together.

1 They're going to have to be separate investigators.

2 THE COURT: There could be several investigators, but  
3 we don't need 33 investigators. We could have a few who are  
4 familiar with the case, I think, and could go investigate,  
5 interview people; or do you think that would be a conflict?

6 MR. HAMM: Judge, I think the problem -- I think the  
7 problem that the -- only having a certain amount of  
8 investigators may pose is it would technically be privileged  
9 information that your investigator was receiving with respect  
10 to your client. And depending on how the information came out,  
11 it may hurt other -- other defendants or -- you know, you never  
12 know how it's all going to come out.

13 THE COURT: I think that's a good point.

14 MR. HAMM: I think that that may be why -- I can  
15 barely hear the counsel who are speaking on it; but I think  
16 that may be a concern for everybody, to have somewhat of an  
17 independent investigator for --

18 THE COURT: Okay.

19 MR. HAMM: -- if we feel like we need it.

20 THE COURT: All right. Then, I've -- the Docket Entry  
21 267, the motion to amend scheduling order, is granted. And I  
22 have entered the suggested scheduling order.

23 I guess that just leaves Mr. Kuniansky's client  
24 who, of course, as he represents her is innocent or has very  
25 little culpability.

1 MR. KUNIANSKY: You're very astute, your Honor.

2 THE COURT: She's the only person in custody who was  
3 not otherwise in custody. Is that accurate?

4 MR. KUNIANSKY: I leave that up to the government to  
5 say who else was --

6 MR. HILEMAN: That's not the case at all. There were  
7 a number of others that were arrested off the street.  
8 Certainly not everyone was writted from a penal institution.  
9 There were a number of others who are held only on this charge.

10 THE COURT: Okay. I looked at her presentence  
11 investigation report and she's got a history of criminal  
12 activity but she doesn't look like she's particularly  
13 dangerous.

14 Why does she need to be in custody?

15 MR. HILEMAN: Because the messages she relayed led to  
16 the attempted assassination of a government informant in a  
17 federal prison. One of our witnesses was stabbed nine times  
18 because she relayed the information that he was a cooperator to  
19 another person that relayed it to an inmate.

20 We feel that the points Mr. Kuniansky is raising  
21 are more appropriate to a detention hearing or an appeal of a  
22 detention hearing and not necessarily the scheduling of this  
23 trial, but we would be happy to go into that matter as in depth  
24 as the Court would like to put forward our case that she should  
25 be detained and tried with everyone else.

1 THE COURT: Have you appealed the detention order?

2 MR. KUNIANSKY: Judge, I've put in the motion. I have  
3 not been able to obtain the transcript. I have requested it  
4 about five times. I've ordered it. They keep on promising it.  
5 And I can't really appeal it without providing you with the  
6 transcript of the hearing she had in Fort Worth, but they have  
7 assured me it will be here next week. Of course, they assured  
8 me it would be here this week. But I definitely plan on  
9 appealing to you the order of detention.

10 THE COURT: How long will it -- if her case were  
11 severed out, how long would the trial take?

12 MR. HILEMAN: It would be shorter, obviously, for one  
13 defendant; but it's not a huge shortcut, because this is a RICO  
14 case and we're required to put on testimony that the ABT is a  
15 criminal enterprise engaged in or affecting interstate  
16 commerce. And, of course, we could short circuit some of the  
17 allegations in the indictment but not a lot. There's still a  
18 lot of the same evidence that would be introduced whether it  
19 was one defendant or several.

20 THE COURT: I'm going to leave your client subject to  
21 the order until I've had a further opportunity to look at the  
22 issues surrounding her.

23 MR. KUNIANSKY: Thank you, Judge. I anticipate in the  
24 very near future filing an appeal of the detention.

25 THE COURT: Okay. We've got everybody here. That's

1 all I show on my list of things to take up. Anybody else want  
2 to say anything while we've got this -- everybody here?

3 Yes, Mr. Jones.

4 MR. JONES: Judge, Rusty Duke, he's only in custody as  
5 a result of these proceedings. He was on supervised release on  
6 another federal case; and I don't believe there's any other  
7 case, other than maybe a misdemeanor DWI. We don't have a copy  
8 of the transcript. We have an order for one in order to appeal  
9 his detention hearing.

10 However, we were trying to look at the discovery,  
11 to see if there was anything else that they had other than what  
12 they included in the detention hearing, before we brought to  
13 the Court's attention the possibility of appealing his  
14 detention.

15 THE COURT: Well, why don't you talk to Mr. Hileman,  
16 find out what else they have about it -- against him?

17 MR. JONES: I will. Thank you.

18 MS. JANA: And, your Honor, I'm here on behalf of  
19 Mr. Seay; and he also is in custody only as a result of this  
20 case. I had -- I'll come up there.

21 I had filed an agreement with the government's  
22 proposed scheduling order which my understanding was asking for  
23 a trial date of October 15th.

24 THE COURT: It asked for a trial date of October 15th  
25 as to the non-capital defendants. I haven't agreed to that

1 yet. We have a status conference in September. So I don't  
2 know when the trial date is going to be.

3 MS. JANA: I understand, your Honor. I just wanted to  
4 make it clear for the record that we had -- essentially was  
5 asking for an October trial date.

6 THE COURT: Well, I don't know what the trial date is  
7 going to be yet. Okay?

8 MS. JANA: Your Honor --

9 THE COURT: Yes?

10 MR. PARRAS: Judge, John Parras for Mr. Loveall, on  
11 his case.

12 I have a question -- or an issue about discovery  
13 that I would like to bring to the Court's attention and just  
14 let you know we may be coming back soon. The discovery that we  
15 were provided by the government was put on a hard drive, and I  
16 think that we all have a common pool of discovery that comes  
17 from that hard drive. That hard drive has different types of  
18 files on it. Some of them are searchable, and some of them  
19 aren't.

20 And what I would like to do is to ask the Court  
21 if the Court could ask the government to provide us all of the  
22 discovery in a searchable format so that we can save money and  
23 we don't have to do that individually with our discovery  
24 material. Also, for the audio files, if there is transcripts  
25 of those files, if those could be provided to us so that we

1 can --

2 THE COURT: Well, have other defense counsel had  
3 problems searching the drive that's been submitted?

4 MR. FAZEL: If it pleases the Court, there are  
5 multiple types of discovery. And I think Mr. Parras is  
6 referring to there are handwritten letters in the discovery.  
7 And those, of course, are not OCR'd. And what we have done is  
8 attempted to -- Mr. McGuire has done is attempted to put what  
9 was produced to us into a format where -- which is much easier  
10 and simpler to search.

11 What Mr. Parras is suggesting to the Court, I  
12 think -- and I think everybody would agree -- is, if the  
13 government has these already done in a way where it's  
14 searchable and they have transcripts, it would save the CJA a  
15 tremendous amount of money, even if we pool it, if they could  
16 just produce that to us.

17 THE COURT: Do you have it in paper form?

18 MR. HILEMAN: No. We -- it's -- I mean, I'm sure it's  
19 in paper form somewhere; but I have it in electronic form.  
20 It's a different format than they have.

21 But I'd point out that we did -- we did our best  
22 to make this a tool they could use. We provided a pretty  
23 detailed index, and there's a DOJ employee that -- this is his  
24 full-time job of managing this discovery. He's available at  
25 all times for any questions or help. I mean, we've set up a



1 help desk.

2 I know people had trouble accessing it at first.  
3 Some people may have had trouble with a password or something.  
4 But this fellow in DC, Mr. Harry Valcourt, has been available  
5 to help index and research at any time. I wasn't aware of  
6 any --

7 THE COURT: Mr. Parras, have you tried to contact this  
8 fellow in Washington?

9 MR. PARRAS: We contacted him initially to access the  
10 drive. Since then, I have not. My only concern, Judge, is, to  
11 the extent he's a Department of Justice employee, when I call  
12 him, asking him to help me look for this particular material or  
13 that particular material, he'll have an idea of my defense  
14 strategy, what it is that I am doing. Now -- so that's one  
15 concern.

16 We're asking for a pool of usable information  
17 or -- or more easily usable information. I've looked into the  
18 cost of hiring an expert, digital forensic expert, to help us  
19 convert this material into a more easily usable format; and  
20 it's astro- -- it's a high cost, Judge. If we were to share  
21 the cost, that would help, as defense attorneys.

22 But as a preliminary matter, I think -- I'm  
23 asking the Court, if the government can produce us the  
24 information in a format they already have, that's more useful  
25 to us, we would appreciate the Court's assistance --

1 THE COURT: Well, have you talked to Mr. Hileman about  
2 this?

3 MR. PARRAS: No, I have not. I bring that up because  
4 you asked if there were any other issues and --

5 THE COURT: Well, I think you need to have a  
6 face-to-face discussion with the government before you get me  
7 involved, because you may be able to work it out.

8 MR. PARRAS: I'll do so, Judge.

9 THE COURT: I certainly think it makes sense to have a  
10 joint effort insofar as making it searchable and having maybe  
11 one library that everybody can search. But I would assume  
12 that -- in this day and age, that defense counsel do that  
13 anyway, don't they, in multiple defendant cases?

14 MR. McGUIRE: Judge, we've already done that. We've  
15 had discussions among defense counsel. We have a large  
16 percentage of it -- about 15,000 separate documents, pages -- a  
17 large percentage of it, maybe 80 to 90 percent, is already  
18 searchable.

19 I wanted to let the Court know we've talked among  
20 defense counsel that we're going to try to put together one  
21 estimate for producing that to all counsel who want it. We've  
22 already got a -- document production people who are lined up to  
23 do that. And I think everyone is in agreement we're going to  
24 try to do that and send one order to the Court for getting  
25 electronic and paper copies for those who want it.

1           It doesn't address Mr. Parras' point, which is  
2   that there's a lot of stuff in there, handwritten letters, that  
3   are not going to be searchable with the technology we have.

4   So -- but --

5           THE COURT: Well, can't you search -- you can't put a  
6   word search in there?

7           MR. MCGUIRE: For the typewritten texts, like offense  
8   reports, autopsy reports, transcripts, or wire intercepts,  
9   Judge, yes. That's already searchable. But there's a whole  
10   bunch of handwritten letters that were intercepted in jail, and  
11   the technology we have cannot pick that up.

12          THE COURT: Are the handwritten letters indexed by  
13   author or name or something, or does it just say "handwritten  
14   letter"?

15          MR. MCGUIRE: I think they are indexed in the index,  
16   Judge.

17          MR. KARPEL: They are indexed, your Honor, and that  
18   index is searchable. And this hard drive that we provided with  
19   all defense counsel is not just documents. It includes videos,  
20   audios, T3. So everything is consolidated on one hard drive,  
21   which we believe is easily accessible.

22                 But the -- the index is there and you can search  
23   it and you can find by title, I think, what you are looking  
24   for.

25          THE COURT: Well, has this person in Washington, who

1 is here to help, has he or she had a tutorial -- or made or  
2 been available to provide a tutorial for the defense counsel?  
3 Maybe that would help.

4 MR. KARPEL: We can certainly do that. I asked him  
5 before I came here today what kind of problems, if any, he was  
6 getting, or complaints; and he said relatively few. The only  
7 calls he got was early on to help some of the defense counsel  
8 access the database because it's password protected. But he  
9 has really not gotten any calls from anybody save that one  
10 issue.

11 MR. FAZEL: Your Honor, may it please the Court, I  
12 think the issue is twofold. Number one -- and we will  
13 certainly talk to the government perhaps before we come to the  
14 Court with a written motion of some sort. I think what  
15 Mr. Parras was trying to impart to the Court was, if they have  
16 it already OCR'd so that it's searchable, it would seem like it  
17 would be something that they could produce to us as well so  
18 that we don't have to spend the money on OCR'ing it. And I  
19 think that's all it is. And we'll talk to the government and  
20 then perhaps come to the Court if we can't come to a resolution  
21 on it.

22 THE COURT: Okay. I don't have anything in court this  
23 afternoon. Why don't you just visit with the government now?

24 MR. FAZEL: Yes. Yes, I'll do that, Judge.

25 THE COURT: We've got everybody here.

1 MR. MCGUIRE: That's a good idea.

2 THE COURT: Okay. I'll see you-all in September.  
3 Thank you.

4 MR. FAZEL: Judge, there's one other issue.

5 THE COURT: Wait a minute. Wait a minute.

6 MR. FAZEL: One other issue with budgets on the death  
7 folks, can we talk to the Court about that just real briefly  
8 again? And I -- give you an idea what we're thinking and make  
9 sure we're on the same page with the Court.

10 THE COURT: Okay. Be seated, please. Mr. --

11 MR. FAZEL: Do you want us to approach or just from  
12 right here?

13 THE COURT: You just want the death counsel?

14 MR. FAZEL: Yes, your Honor.

15 THE COURT: Well, the other lawyers may need to stay  
16 and talk to the government.

17 MR. FAZEL: Okay. We had a meeting with death counsel  
18 about our budget, and our thinking was in 60 days we're going  
19 to present you with one budget. The budget is going to be all  
20 inclusive, what we expect it's going to cost to run the case  
21 from beginning to end, including all experts and everything in  
22 there. Is that okay with the Court, just one budget from  
23 beginning to end if no other issues?

24 THE COURT: You're going to have interim payments, I  
25 assume.

1 MR. FAZEL: Yes, sir, that will be included in that.

2 THE COURT: Okay.

3 MR. FAZEL: Okay.

4 THE COURT: All right.

5 MR. DUPONT: Your Honor, this is Todd Dupont.

6 For those not on the death side of the case, do  
7 you want us to bill you quarterly or interim payments monthly  
8 for the CJA federal --

9 THE COURT: I certainly don't want them monthly.

10 MR. DUPONT: I understand. A lot of people probably  
11 have that question.

12 THE COURT: I want -- quarterly would be preferable.

13 MR. DUPONT: Okay.

14 THE COURT: Do you submit these directly to the  
15 clerk's office for review? Is that how we've been doing it?

16 MR. FAZEL: Yes, sir.

17 THE COURT: Because I see some of these. The clerk's  
18 office tries to get them to me as soon as they've reviewed  
19 them, and I don't let them sit on my desk for more than a day.  
20 But they tell me that the delay is getting the lawyers to  
21 submit them in proper form to the clerk's office. So I would  
22 suggest that the end of March you submit one, end of June you  
23 submit one. And I'll rule on them as quickly as I can.

24 MR. DUPONT: Thank you, your Honor.

25 THE COURT: Thank you. Have a good weekend.

1           *(End of requested proceedings)*

2                           \* \* \* \* \*

3                           COURT REPORTER'S CERTIFICATION

4           I certify that the foregoing is a correct transcript from  
5           the record of proceedings in the above-entitled cause.

6           Date:   January 22, 2015

7                                       /s/   Cheryll K. Barron  
8                                       \_\_\_\_\_  
9                                       Cheryll K. Barron, CSR, CMR, FCRR  
10                                      Official Court Reporter  
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